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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 12-mj-70647 MAG
)	
Plaintiff,)	
)	STIPULATION AND PROPOSED
v.)	ORDER CHANGING HEARING DATE
)	AND EXCLUDING TIME
JAY SALVADOR HERNANDEZ,)	
)	
Defendant.)	
_____)	

The Court has set January 31, 2013, as the date for a preliminary hearing or arraignment.

The parties hereby stipulate to move the preliminary hearing or arraignment date to March 12, 2013, and they request that the Court extend the time limits provided by Federal Rule of Criminal Procedure 5.1(c) and 18 U.S.C. § 3161. This extension of time is necessary for the parties to explore possible pre-indictment resolution, to produce and to receive discovery, and for effective preparation of counsel.

Pursuant to Rule 5.1(d), the defendant and the government consent to the extension of time, and the parties represent that good cause exists for this extension, including the effective

1 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). For the same reasons, the parties
 2 also request that the Court exclude from the time limits of 18 U.S.C. § 3161 the period from the
 3 date of this Order through March 12, 2013. The parties also agree that the ends of justice served
 4 by granting such an exclusion of time outweigh the best interests of the public and the defendant
 5 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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 7 SO STIPULATED:

8 MELINDA HAAG
 United States Attorney

9 DATED: January 29, 2013

10 /s/
 KEVIN J. BARRY
 Assistant United States Attorney

11
 12 DATED: January 29, 2013

13 /s/
 HARRIS TABACK
 Attorney for JAY HERNANDEZ


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 20 ~~PROPOSED~~ ORDER

21 For the reasons stated above, the Court sets March 12, 2013, as the date for the
 22 arraignment or preliminary hearing. The Court finds that extension of time limits applicable
 23 under Federal Rule of Criminal Procedure 5.1(c) from the date of this Order through December
 24 27, 2012, is warranted; that exclusion of this period from the time limits applicable under 18
 25 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance outweigh the
 26 interests of the public and the defendant in the prompt disposition of this criminal case; and that
 27 the failure to grant the requested exclusion of time would deny counsel for the defendant and for
 28 the government the reasonable time necessary for effective preparation and continuity of

1 counsel, taking into account the exercise of due diligence, and would result in a miscarriage of
2 justice. 18 U.S.C. §3161(h)(7)(B)(iv).

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4 IT IS SO ORDERED.

5 DATED: January 31, 2013


6 THE HON. JACQUELINE SCOTT CORLEY
United States Magistrate Judge
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